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April 9, 2009

BY ECF

Honorable Lois Bloom
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Darin Dwayne Hickman v. City of New York, et al, 08 CV 913 (KAM) (LB)

Your Honor:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor endorse the enclosed STIPULATION.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Francolla", written over a horizontal line.

Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation

cc: Mr. Darin Dwayne Hickman (By mail)
Plaintiff *Pro Se*
DIN # 05-A-5634
Mohawk Correctional Facility
P.O. Box 8450
Rome, NY 13442

Enc.

FROM :

FAX NO. : 1-315-339-5232 4399 Apr. 08 2009 10:52AM P3

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MOHAWK CORRECTIONAL → 4399

NO. 642

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DARIN DWAYNE HICKMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE COUNTY OF
RICHMOND POLICE DEPARTMENT, ALBERT W.
GIRIMONTE, Assistant Chief, Captain Deputron, 120th
Precinct, Sergeant Pernicone, 120th Precinct, Sergeant
Alongi, 120th Precinct, Detective Parrino, 120th Precinct;
RICHARD DANESES, POM; PAA GAMBA, 120th
Precinct, Lieutenant Nelson, 120th Precinct; GUY
GAZZILLO, Detective 120th Precinct; Detective Joyce,
120th Precinct; PAUL CIURCINA, Detective 120th
Precinct; LOUIS CONTINO, Police Officer #21740; Police
Officer ORTIZ, #3434; F. CORCILLO, Police Officer;
Police Officer SERGEANT CAPP, 120th Precinct;
SERGEANT LEWIS, 120th Precinct; MAUREEN
MURPHY, Detective #4656; DETECTIVE BRENIS, 120th
Precinct; Lieutenant Briscoe, 120th Precinct;

In their Individual and Official Capacity,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

08 CV 913 (KAM) (I.B)

WHEREAS, plaintiff commenced this action by filing a complaint on or about
February 22, 2009, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations, and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has agreed to settle this matter as against defendants on the
terms enumerated below;

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
 and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Darin Dwayne Hickman the sum of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00) in full satisfaction of all claims, inclusive of claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the City of New York and all individually named defendants, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens, whichever applies.

4. Nothing contained herein shall be deemed to be an admission by defendants or the City of New York that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of

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New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
4-8-, 2009

Mr. Darin Dwayne Hickman
 Plaintiff *Pro Se*
 DIN # 05-A-5634
 Mohawk Correctional Facility
 P.O. Box 8450
 Rome, NY 13442

By: Darin Dwayne Hickman
 Darin Dwayne Hickman

MICHAEL A. CARDOZO
 Corporation Counsel of the City of New York
 Attorney for Defendants
 100 Church Street
 New York, New York 10007
 (212) 788-0988

By: Brian Francolla
 Brian Francolla
 Assistant Corporation Counsel

4/9/09

SO ORDERED:

 U.S.D.J.